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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/784,957	Applicant(s) YOO ET AL.
	Examiner GERALD SMARTH	Art Unit 2446

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 January 2010.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,8,13-17,20-24,29-32,39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,8,13-17,20-24,29-32,39 and 40 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-546)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. The instant application having Application No. 10/784957 has a total of 2 independent claims and the rest of the claims are dependent on the 2 independent claims, all of which are ready for examination by the examiner.
2. Claims 1, 4-8, 13-17, 20-24, 23-32, and 39-40 are presented for examination. Claims 1 & 17 are independent claims. Claims 1 & 17 are being amended.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/15/10 has been entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 4-8, 13-17, 20-24, 29-32, 39, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (2003/0005161), Sato (5884004), Choi (2003/02369005) and further in view of Lear(2003/0099202)

Regarding claim 1, Chen teaches a method of reproducing, by a content reproducing device, content information stored on a recording medium the method comprising:

(Chen states is a functional block diagram generally illustrating one embodiment for a synchronization recovery system 300 for recovering from a failed synchronization session between a fixed computing device, such as an information server 310 and a mobile device 320, in accordance with the present invention; Page 3 paragraph 28 line 1-4)

reproducing a first stream of data read out from the recording medium in synchronization with a second stream of data received from a Content providing server over a network***(Chen discloses the system includes a first device associated with the first data store, a second device associated with the second data store, and a serve. The server is coupled to a storage medium on which a synchronization state is stored; Page 1 paragraph 05 lines 4-8)*** based on a first command sent from the content reproducing device to the content providing server, ***(Choi discloses the method further includes receiving, by the client, the streamed media content from***

the server. The method includes sending a reconnect request from the client to the server if the streaming is interrupted; Page 2 paragraph 8 lines 7-13) the first stream of data comprising audio/video data and the second stream of data comprising content data associated with the first stream of data; (*Chen discloses in addition, the synchronization application 342 can perform incremental updates to the mobile device 320 to resynchronize the mobile data 322 and the server data 312 after a failed synchronization session without re-transmitting the entire server data 312 to the mobile device 320. Page 3 paragraph 31 line 7-12*) sensing a failure in receiving the second stream of data; upon sensing the failure, re-synchronizing the first stream of data stream of with the second data based on information for synchronization or re-synchronization included in the second stream of data, thereby simultaneously reproducing the first stream of data together with the second stream of data, the information including data rate information of the second stream of data and/or size information of the second stream of data.

Chen does not explicitly disclose these limitations, however Sato does teaches the first data comprising audio/video data and the second data comprising content data associated with the first data; (*Sato discloses the encoding system controller 200 also generates the reproduction time information IT defining the reproduction time of the title editing unit (video object, VOB), and the stream encoding data St33 defining the system encode parameters for multiplexing the encoded multimedia stream containing video, audio, and sub-picture data. Note that the reproduction time information IT and stream encoding data St33 are generated for*

the video object VOB of each title in one video zone VZ; Column 9 lines 7-15 based on information for synchronization or re-synchronization included in the second data the information including data rate information of the second data and/or size information. (***Sato also discloses when the reproducing apparatus of the digital video disk system is configured with a disk read rate of 11 Mbps, a maximum AV data compression rate of 10 Mbps, and a track buffer (stream buffer 2400 capacity of 4 Mbits, for example, a data underflow state will occur; Column 37 line 6-10***)

It would be obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Chen's system and method for recovering failed synchronization session with Sato's optical disc for generating a bistream containing a plurality of video objects including video and audio data. One of ordinary skill in the art would have been motivated to make this modification in order to have a more efficient and seamless reproduction method/system. Saito discloses therefore, the object of the present invention is to provide a data structure whereby natural, seamless reproduction without scene data intermitting can be achieved even in such multi-angle scene periods; a method for generating a system stream having said data structure; a recording apparatus and a reproduction apparatus for recording and reproducing said system stream; and a medium to which said system stream can be recorded and from which said system stream can be reproduced by said recording apparatus and reproduction apparatus. Column 2 lines 65 -Column 3 line 7.

Chen nor Sato explicitly discloses these limitations, however Choi does teach based on a first command sent from the content reproducing device to the content providing server, (**Choi discloses the method further includes receiving, by the client, the streamed media content from the server. The method includes sending a reconnect request from the client to the server if the streaming is interrupted; Page 2 paragraph 8 lines 7-13**)

It would be obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Chen's system and method for recovering failed synchronization session, Sato's optical disc for generating a bistream containing a plurality of video objects including video and audio data to include Choi's system for automatically recovering from failed network connections in streaming media. One of ordinary skill in the art would have been motivated to make this modification in order to have a more efficient and seamless reproduction system for issues which may arise in a network using streaming data. *Choi discloses depending on the severity of the issue, some streaming media players encounter such adverse conditions and subsequently post a critical error to the user interface. The error is critical in that the user must manually intervene and re-establish the streaming session. Unfortunately, in the case of on-demand content, this also means the user must manually seek to the position in the content that was last being viewed, if seeking in the content is allowed, after the connection is re-established. Further, when this streaming link is disconnected, all the clients and servers that are downstream from the disrupted connection are terminated.*

The abnormal termination of all downstream clients can result in significant lost revenue; Page 1 Paragraph 3.

Chen, Choi nor Sato discloses explicitly these limitations however Lear does teach thereby simultaneously reproducing the first stream of data together with the second stream of data, the information including data rate information of the second stream of data and/or size information of the second stream of data.

(Lear discloses thus, multiple simultaneous events may be streamed concurrently on separate channels, or channels may be used to transmit delayed copies of the same content allowing channel selection as a form of dynamic fast forward and rewind; paragraph 76)

It would be obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Chen's system and method for recovering failed synchronization session, Sato's optical disc for generating a bistream containing a plurality of video objects including video and audio data, Choi's system for automatically recovering from failed network connections in streaming media to include Lear's system and method for distribution of data packets utilizing an intelligent distribution network. One of ordinary skill in the art would have been motivated to make this modification in order to have a streaming system which allows for an efficient way to reproduce transmission to customers. *Lear discloses in other words, the data travels through more devices (and thus more hops) than would otherwise be optimal. This not only leads to a reduction in viewing quality and access speed, but also*

reduces the ability of content providers to track and manage the distribution of proprietary content; Paragraph 11.

Therefore, it would be obvious to combine Chen, Sato, Choi and Lear to arrive to the limitations of claim 1.

Regarding claim 4, Chen, Sato, Choi in view of Lear taught the method according to claim 1, as described above. Choi further teaches wherein the information is contained within a header of the second stream of data. **(Choi discloses when the distribution connection recovers, the server software 11sends another stream header before streaming the content; Page 7 paragraph 93 lines 6-8)**

Regarding claim 5, Chen, Sato, Choi in view of Lear taught the method according to claim 1, as described above. Chen further teaches wherein the sensing step includes sensing whether the failure in receiving the second data is due to a disconnection or a delay of transmission of the second stream of data over the network. **(Chen discloses in addition, in general, the method includes detecting and recovering from a failed prior synchronization session. In one embodiment, a failed synchronization session is detected by comparing a sync key transmitted by the mobile device in a sync request to a prior sync key stored in a synchronization state table. For this embodiment, a failed synchronization session is detected when the request sync key is one less than the prior sync key; Page 1 paragraph 4 lines 1-5)**

Regarding claim 6, Chen, Sato, Choi in view of Lear taught the method according to claim 1, as described above. Sato also teaches further comprising: delaying a time for re-synchronization, wherein during the re-synchronization delay the first stream of data is reproduced, and the second stream of data is muted and not reproduced. (**Lear discloses each node is also capable of buffering and duplicating copies of the same stream thus allowing second and subsequent users to "piggyback" off the original content stream with the duplicated copies; Paragraph 27**)

Regarding claim 7, Chen, Sato, Choi in view of Lear taught the method according to claim 1, as described above. Lear also teaches further comprising: delaying a time, for re-synchronization, wherein during the re-synchronization delay the first stream of data is reproduced, and an interpolated second stream of data is reproduced. (**Lear discloses thus, multiple simultaneous events may be streamed concurrently on separate channels, or channels may be used to transmit delayed copies of the same content allowing channel selection as a form of dynamic fast forward and rewind; Paragraph 76**)

Regarding claim 8, Chen, Sato, Choi in view of Lear taught the method according to claim 1, as described above. Lear also teaches further comprising: delaying a time for re-synchronization, wherein during the re-synchronization delay the first stream of data

is reproduced, and a previous segment of the second stream of data is reproduced.

(Lear discloses thus, multiple simultaneous events may be streamed concurrently on separate channels, or channels may be used to transmit delayed copies of the same content allowing channel selection as a form of dynamic fast forward and rewind; Paragraph 76)

Regarding claim 13, Chen, Sato, Choi in view of Lear taught the method according to claim 1, as described above. Sato further teaches wherein said re-synchronization step includes:

calculating an offset value for the second stream of data to establish re-synchronization; sending a second command requesting transmission of the second stream of data corresponding to the calculated offset value from the content producing device to the content providing server ; *(Sato discloses the audio start gap A.sub.-- STGAP is the time offset between the start of the audio and video presentation at the beginning of a VOB. This is a useful parameter for declaring seamless reproduction with the preceding encoded system stream; Column 61 line 27-30)*and re-synchronizing the second stream of data transmitted in response to the second command with the first stream of data read out from the recording medium. *(Lear discloses thus, multiple simultaneous events may be streamed concurrently on separate channels, or channels may be used to transmit delayed copies of the same content allowing channel selection as a form of dynamic fast forward and*

rewind; Paragraph 76

Regarding claim 14, Chen, Sato, Choi in view of Lear taught the method according to claim 13, as described above. Sato further teaches wherein said calculating step is based on a present playing time of the first stream of data and a number of bytes per second of the second stream of data. (***Sato discloses though comprising two recording surfaces similarly to the recording media shown in FIG. 7, the DVD recording medium RC3 shown in FIG. 8 has the recording surfaces on opposite sides of the disk, i.e., has the first data recording surface RS1 on side SA and the second data recording surface RS2 on side SB; Column 14 line 60-65***)

Regarding claim 15, Chen, Sato, Choi in view of Lear taught the method according to claim 14, as described above. Sato further teaches wherein the offset value of the second data capable of re-synchronization is calculated by adding the present playing time of the first stream of data to a predetermined amount of time to produce a result and multiplying the result by the number of bytes per second of the second stream of data. (***Sato also discloses when the reproducing apparatus of the digital video disk system is configured with a disk read rate of 11 Mbps, a maximum AV data compression rate of 10 Mbps, and a track buffer (stream buffer 2400) capacity of 4 Mbits, for example, a data underflow state will occur; Column 37 line 6-10***)

Regarding claim 16, Chen, Sato, Choi in view of Lear taught the method according to claim 15, as described above. Sato further teaches wherein the predetermined amount of time is proportional to a speed of the second stream of data being transferred over the network. (*Sato discloses in order to achieve the aforementioned objective, an interleaving method which for the presentation of a bitstream that is reproduced by selecting two or more data units from a bitstream comprising three or more data units contiguous on the same time-base is characterized by generating said bitstream by arranging the selected data units in a particular sequence on the same time-base based on the presentation time of each data unit so that it is possible to sequentially access all data units and present only the selected data units without time-base intermittence; Column 3 line 18-27*)

Regarding claim 17, Chen teaches an apparatus for reproducing content information. comprising: (*Chen states is a functional block diagram generally illustrating one embodiment for a synchronization recovery system 300 for recovering from a failed synchronization session between a fixed computing device, such as an information server 310 and a mobile device 320, in accordance with the present invention; Page 3 paragraph 28 line 1-4*)

a renderer configured to reproduce a first stream of data read out from a recording medium in synchronization with a second stream of data received from a content providing server over a network based on a first command, (*Chen discloses the system includes a first device associated with the first data store, a second*

device associated with the second data store, and a serve. The server is coupled to a storage medium on which a synchronization state is stored; Page 1 paragraph 05 line 4-8) the first stream of data comprising audio/video data and the second data comprising content data associated with the first data; and a processor configured to sense a failure in receiving the second stream of data, and upon sensing the failure in, re-synchronize the first stream of data with the second stream of data based on information for synchronization or re-synchronization including in the second stream of data, thereby simultaneously reproducing the first stream of data together with the second stream of data, the information including data rate information of the second stream of data and/or size information of the second stream of data. (***Chen discloses in addition, the synchronization application 342 can perform incremental updates to the mobile device 320 to resynchronize the mobile data 322 and the server data 312 after a failed synchronization session without re-transmitting the entire server data 312 to the mobile device 320. Page 3 paragraph 31 line 7-12. Chen further discloses the synchronization application 342 saves information regarding the synchronization session in a synchronization state table 344; Page 3 paragraph 30 lines 13-16)***)

Chen does not specifically teach the first data comprising audio/video data and the second data comprising content data associated with the first data; based on information for synchronization or re-synchronization included in the second data. :the information including data rate information of the second data and/or size information However Sato does teaches the first data comprising audio/video data and the second

data comprising content data associated with the first data; (**Sato discloses the encoding system controller 200 also generates the reproduction time information IT defining the reproduction time of the title editing unit (video object, VOB), and the stream encoding data St33 defining the system encode parameters for multiplexing the encoded multimedia stream containing video, audio, and sub-picture data. Note that the reproduction time information IT and stream encoding data St33 are generated for the video object VOB of each title in one video zone VZ; Column 9 lines 7-15**) based on information for synchronization or re-synchronization included in the second data the information including data rate information of the second data and/or size information (**Sato also discloses when the reproducing apparatus of the digital video disk system is configured with a disk read rate of 11 Mbps, a maximum AV data compression rate of 10 Mbps, and a track buffer (stream buffer 2400) capacity of 4 Mbits, for example, a data underflow state will occur; Column 37 line 6-10**)

It would be obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Chen's system and method for recovering failed synchronization session with Sato's optical disc for generating a bitstream containing a plurality of video objects including video and audio data. One of ordinary skill in the art would have been motivated to make this modification in order to have a more efficient and seamless reproduction method/system. Saito discloses therefore, the object of the present invention is to provide a data structure whereby natural, seamless reproduction without scene data intermitting can be achieved even in such multi-angle scene

periods; a method for generating a system stream having said data structure; a recording apparatus and a reproduction apparatus for recording and reproducing said system stream; and a medium to which said system stream can be recorded and from which said system stream can be reproduced by said recording apparatus and reproduction apparatus. Column 2 lines 65 -Column 3 line 7.

Chen does not explicitly teach re-synchronize the first stream of data with the second stream of data based on information for synchronization or re-synchronization including in the second stream of data.

However Choi does teach re-synchronize the first stream of data with the second stream of data based on information for synchronization or re-synchronization including in the second stream of data, (**Choi discloses the server component and the client component include computer-executable instructions for exchanging one or more messages to re-map the state of the client and to re-synchronize playback of the content if the streaming is interrupted; Paragraph 11 lines 6-10**)

It would be obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Chen's system and method for recovering failed synchronization session, Sato's optical disc for generating a bistream containing a plurality of video objects including video and audio data to include Choi's system for automatically recovering from failed network connections in streaming media. One of ordinary skill in the art would have been motivated to make this modification in order to have a more efficient and seamless reproduction system for issues which may arise in a network using streaming data. *Choi discloses depending on the severity of the issue,*

some streaming media players encounter such adverse conditions and subsequently post a critical error to the user interface. The error is critical in that the user must manually intervene and re-establish the streaming session. Unfortunately, in the case of on-demand content, this also means the user must manually seek to the position in the content that was last being viewed, if seeking in the content is allowed, after the connection is re-established. Further, when this streaming link is disconnected, all the clients and servers that are downstream from the disrupted connection are terminated. The abnormal termination of all downstream clients can result in significant lost revenue; Page 1 Paragraph 3.

Chen, Choi nor Sato discloses explicitly these limitations however Lear does teach thereby simultaneously reproducing the first stream of data together with the second stream of data, the information including data rate information of the second stream of data and/or size information of the second stream of data.

(Lear discloses thus, multiple simultaneous events may be streamed concurrently on separate channels, or channels may be used to transmit delayed copies of the same content allowing channel selection as a form of dynamic fast forward and rewind; paragraph 76)

It would be obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Chen's system and method for recovering failed synchronization session, Sato's optical disc for generating a bistream containing a plurality of video objects including video and audio data, Choi's system for automatically recovering from failed network connections in streaming media to include

Lear's system and method for distribution of data packets utilizing an intelligent distribution network. One of ordinary skill in the art would have been motivated to make this modification in order to have a streaming system which allows for an efficient way to reproduce transmission to customers. *Lear discloses in other words, the data travels through more devices (and thus more hops) than would otherwise be optimal. This not only leads to a reduction in viewing quality and access speed, but also reduces the ability of content providers to track and manage the distribution of proprietary content; Paragraph 11.*

Therefore, it would be obvious to combine Chen, Sato, Choi and Lear to arrive to the limitations of claim 17.

Regarding claim 20, Chen, Sato, Choi in view of Lear taught the apparatus according to claim 17, as described above. Choi further teaches wherein the information is contained within a header of the second stream of data. **(Choi discloses when the distribution connection recovers, the server software 11sends another stream header before streaming the content; Page 7 paragraph 93 lines 6-8)**

Regarding claim 21, Chen, Sato, Choi in view of Lear taught, the apparatus according to claim 17, as described above. Chen also teaches wherein the processor is configured to determine whether the failure is due to a disconnection or a delay of transmission of the second stream of data over the network. **(Chen discloses in addition, in general, the method includes detecting and recovering from a**

failed prior synchronization session. In one embodiment, a failed synchronization session is detected by comparing a sync key transmitted by the mobile device in a sync request to a prior sync key stored in a synchronization state table. For this embodiment, a failed synchronization session is detected when the request sync key is one less than the prior sync key; Page 1 paragraph 4 lines 1-5)

Regarding claim 22, Chen, Sato, Choi in view of Lear taught the apparatus according to claim 17, as described above. Sato further teaches wherein the processor is configured to delay a time for re-synchronization, and control such that during the re-synchronization delay the first stream of data is reproduced, and the second stream of data is muted and not reproduced, during the re-synchronization delay. (**Lear discloses each node is also capable of buffering and duplicating copies of the same stream thus allowing second and subsequent users to "piggyback" off the original content stream with the duplicated copies; Paragraph 27**)

Regarding claim 23, Chen, Sato, Choi in view of Lear taught the apparatus according to claim 17, as described above. Chen further teaches wherein the processor is configured to delay a time for resynchronization, and control such that during the resynchronization delay the first stream of data is reproduced, and an interpolated second stream of data is reproduced, during the re-synchronization delay. (**Lear discloses thus, multiple simultaneous events may be streamed concurrently on separate channels, or channels may be used to transmit delayed**

(copies of the same content allowing channel selection as a form of dynamic fast forward and rewind; Paragraph 76)

Regarding claim 24, Chen, Sato, Choi in view of Lear taught the apparatus according to claim 17, as described above. Chen further teaches wherein the processor is configured to delay a time for resynchronization, and control such that during resynchronization delay-the first data is reproduced, and a previous segment of the second stream of data is reproduced, during the re-synchronization delay. ***(Lear discloses thus, multiple simultaneous events may be streamed concurrently on separate channels, or channels may be used to transmit delayed copies of the same content allowing channel selection as a form of dynamic fast forward and rewind; Paragraph 76)***

Regarding claim 29, Chen, Sato, Choi in view of Lear taught the apparatus according to claim 17, as described above. Sato further teaches wherein said processor, is configured to re-synchronize the first stream of data and second stream of data, calculating an offset value for the second stream of data to establish re-synchronization sending a second data corresponding to the calculated offset value to the Content providing server; ***(Sato discloses the audio start gap A.sub.-- STGAP is the time offset between the start of the audio and video presentation at the beginning of a VOB. This is a useful parameter for declaring seamless reproduction with the preceding encoded system stream; Column 61 line 27-30)***

and re-synchronizing the second stream of data transmitted in response to the second command with the first stream of data read out from the recording medium. . (*Lear discloses thus, multiple simultaneous events may be streamed concurrently on separate channels, or channels may be used to transmit delayed copies of the same content allowing channel selection as a form of dynamic fast forward and rewind; Paragraph 76*)

Regarding claim 30, Chen, Sato, Choi in view of Lear taught the apparatus according to claim 29, as described above. Sato further teaches wherein said processor is configured to use a present playing time of the first stream of data and a number of bytes per second stream of the second data, when calculating the offset value, (*Sato discloses the audio start gap A.sub.-- STGAP is the time offset between the start of the audio and video presentation at the beginning of a VOB. This is a useful parameter for declaring seamless reproduction with the preceding encoded system stream; Column 61 line 27-30*)

Regarding claim 31, Chen, Sato, Choi in view of Lear taught the apparatus according to claim 30, as described above. Sato furher teaches wherein the offset value is calculated by said processor by adding the present playing time of the first stream of data to a predetermined amount of time to produce a result and multiplying the result by the number of bytes per second of the second stream of data. (*Sato also discloses when the reproducing apparatus of the digital video disk system is configured*

with a disk read rate of 11 Mbps, a maximum AV data compression rate of 10 Mbps, and a track buffer (stream buffer 2400) capacity of 4 Mbits, for example, a data underflow state will occur; Column 37 line 6-10)

Regarding claim 32, Chen, Sato, Choi in view of Lear taught the apparatus according to claim 31, as described above. Sato further teaches wherein the predetermined amount of time is proportional to a speed of the second stream of data being transferred over the network. (***Sato discloses in order to achieve the aforementioned objective, an interleaving method which for the presentation of a bitstream that is reproduced by selecting two or more data units from a bitstream comprising three or more data units contiguous on the same time-base is characterized by generating said bitstream by arranging the selected data units in a particular sequence on the same time-base based on the presentation time of each data unit so that it is possible to sequentially access all data units and present only the selected data units without time-base intermittence; Column 3 line 18-27)***

Regarding claim 39, Chen, Sato, Choi in view of Lear taught the method according to claim 1, as described above. Choi further teaches wherein the step of reproducing comprises: buffering the second stream of data prior to synchronization. (***Choi discloses if the reconnection process occurred relatively quickly, the server 108 may have buffered a small amount of the live content, and will deliver that buffered content to the client 110 if reconnection is successful; Page 3 paragraph***

28 lines 10-14) (Gould discloses packets received from the secondary stream are buffered in buffer 20 (as more fully explained below). The failover device 16 can distinguish the source of the packets because the IP header information in each packet contains unique RMIPP; Paragraph 28 lines 2-5)

Regarding claim 40, Chen, Sato, Choi in view of Lear taught the apparatus according to claim 17, as describe above. Lear further teaches comprising: a buffer configured to buffer the second stream of data prior to synchronization. **(Lear discloses each node is also capable of buffering and duplicating copies of the same stream thus allowing second and subsequent users to "piggyback" off the original content stream with the duplicated copies; Paragraph 27)**

Response to Arguments

6. Applicant's arguments with respect to claims 1, 4-8, 13-17, 20-24, 29-32, 39, 40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Smarth whose telephone number is (571)270-1923. The examiner can normally be reached on Monday-Friday(7:30am-5:00pm)est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on (571)272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GERALD SMARTH/
Examiner, Art Unit 2446

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2446